

Notice of Allowability

Application No.

10/657,703

Examiner

Daniel C. Gamett, PhD

Applicant(s)

PEBAY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/08/2007.
2. ☒ The allowed claim(s) is/are 1,3,5,8-10,12,13,16,41,63,65,66,69,70,72,73,109-114,116-121,125 and 126.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 03/12/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070524
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DAVID S. ROMEO
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/12/2007 has been entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen Weyer on 5/23/04.

The application has been amended as follows:

In the claims—

2. cancelled.

12. A method according claim 1 3, wherein the PDGF is PDGFaa, PDGFab or PDGFbb.

15. cancelled.

17-40. cancelled.

42-62. cancelled.

63. A method of producing a population of proliferating undifferentiated embryonic stem cells ~~from a stem cell~~ which method comprises providing an embryonic stem cell, incubating the

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embryonic stem cell in the presence of an agonist of a LPL receptor, the agonist selected from the group consisting of S1P, dihydro S1P, LPA, PAF and SPC.

64. cancelled.

65. A method of producing a population of proliferating undifferentiated embryonic stem cells ~~from a stem cell~~ which method comprises providing an embryonic stem cell, incubating the embryonic stem cell in the presence of an agonist of a LPL receptor and a ligand of a class III tyrosine kinase receptor, the agonist selected from the group consisting of S1P, dihydro S1P, LPA, PAF and SPC, and the ligand is a PDGF.

71. cancelled.

73. A method according to claim ~~71~~ 65, wherein the PDGF is PDGFaa, PDGFab or PDGFbb.

74-78. cancelled.

80. cancelled.

87-89. cancelled.

94. cancelled.

96-108. cancelled.

115. cancelled.

116. A method according to claim ~~115~~ 110 wherein the PDGF is PDGFaa, PDGFab or PDGFbb.

118. A method according to claim ~~41~~ 65 wherein the stem cell is a hES cell.

119. A method according to claim ~~63~~ 65 wherein the LPL receptor is selected from the group consisting of S1P1, S1P2, and S1P3.

120. A method according to claim ~~63~~ 65 wherein the agonist is S1P.

121. A method according to claim ~~63~~ 65 wherein the agonist is dihydro S1P.

122. canceled.

123. cancelled.

124. cancelled.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel C Gamett, Ph.D., whose telephone number is 571 272 1853. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571 272 0961. The fax phone number for the organization where this application or proceeding is assigned is 571 273 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCG

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29 May 2007


DAVID S. ROMEO
PRIMARY EXAMINER